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CABLE ADDRESS "FRANBEL"

LAW OFFICES

LEE J. GARY

722 FIRST NATIONAL BANK BUILDING

CHICAGO 3

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UNFAIR COMPETITIONFRANK L. BELKNAP-1933  
LEE J. GARY  
W. F. DESMOND  
J. M. PARKER  
C. H. BASSETT  
J. T. CULLINAN

May 4, 1948.

Frost Company,  
Kenosha,  
Wisconsin.

Attention: Mr. M. C. Frost.

Dear Sir:

Receipt is acknowledged of your letter of May 3 enclosing draft of letter which you propose to send to Mr. T. J. Hanlon, Director of Purchases of the Crane Company.

We would suggest that the first sentence of paragraph 2 of the letter be changed to read as follows:

X "Our patent attorney, Lee J. Gary, Chicago, has made a very thorough study of the Schaible patent, its file history and the references cited by the Patent Office during the prosecution of the application which resulted in the Schaible patent. In addition, he has given consideration to other pertinent prior art and as a result of his study has advised us that our construction does not infringe."

The reason we suggest this change is that no formal search has been made against the Schaible patent.

We note that Mr. Lange wants you to hold Crane Company and its customers free from any liability. We see no objection to agreeing to defend Crane Company at your cost and expense and to defend Crane's customers in the same manner. However, our objection to Mr. Lange's request resides in holding either Crane or its customers or both free from any liability. It is customary for a supplier to agree to defend the purchaser and the purchaser's customers in case of patent infringement. However, to agree to hold the purchaser and purchaser's customers free from liability, we feel is unjustifiably too broad.

LEE J. GARY

Frost Company

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Consequently, we see no objection to changing paragraph 3 to include Crane's customers and we feel that Mr. Lange should be satisfied with this guarantee.

We do not believe that a separate letter is necessary in making this guarantee unless Crane requires it.

Very truly yours,

A handwritten signature in cursive script that reads "Lee J. Gary". The signature is written in dark ink and is positioned to the right of the typed name "LEE J. GARY".

WFD/A

May 3, 1948.

Lee J. Gary,  
Law Offices,  
722 First National Bank Bldg.,  
Chicago 3, Ill.

Attention: Mr. W.F.Desmond

Dear Mr. Desmond:

We enclose tentative letter which we have drawn up for Crane Co. regarding the Schaible patent situation, and before mailing it to Mr. Lange we would like your comments, suggestions, and/or approval.

You will notice that we have tried to embody an agreement to protect Crane Co. in a letter to the Purchasing Department rather than to Mr. Lange. In a recent letter from Mr. Lange he suggests that we agree to hold Crane Co. and its customers free from any liability, and this seemed to us too broad a statement to make. Perhaps you think that this should be covered under a separate letter.

May we have your advice promptly so that we can dispose of this matter?

Yours truly,

M.C.Frost/VL  
Enc.

F R O S T C O.

President